

ENTERED

September 28, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA,

§

VS.

§

CIVIL ACTION NO. 1:20-CV-100

9.980 ACRES OF LAND, MORE OR LESS, *et*
al.,

§

Defendants.

§

ORDER

In July of this year, Plaintiff United States of America filed this action against numerous defendants to obtain possession of certain land on which to construct roads, fencing, and related structures to help secure the border between the United States and Mexico. (Complaint in Condemnation, Doc. 1; Declaration of Taking, Doc. 2) Shortly after filing suit, the United States deposited \$28,963 in the registry of this Court as the estimated just compensation for the taking. (Doc. 9) The United States has served all defendants. (Status Update, Doc. 22)

On September 2, the United States filed its Opposed Motion for Order of Immediate Possession. (Doc. 20) The United States seeks surrender from Defendants of the estate at issue (“the Property”), described as:

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of land described in Quit-Claim Deed recorded with Deed Records, Cameron County, Texas, on 4 December 1981, volume 1258, page 260, document number 34788, reasonable access to and from the owners’ lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled “Beginning” and easternmost mark labeled “Ending” depicted on the map [in Schedule E of the Declaration of Taking];

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States’ construction, operation, and maintenance of the border barrier.

(Dec. of Taking-Sch. E, Doc. 2-1, 19)

No party has filed a response in opposition, indicating that they do not contest the requested relief. *See* (S.D. Tex. L.R. 7.4) (“Failure to respond to a motion will be taken as a representation of no opposition.”) The Court finds that the United States has complied with the Declaration of Taking Act, 40 U.S.C. § 3114.

As a result, it is:

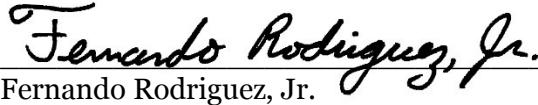
ORDERED that the United States of America’s Opposed Motion for Order of Immediate Possession (Doc. 20) is **GRANTED**;

ORDERED that all persons who own or claim ownership, possession and/or control of the Property shall immediately surrender possession of the Property to the United States in accordance with this Order; and

ORDERED that the United States shall serve a copy of this Order upon all persons in possession or control of the Property.

Although the United States shall have immediate possession and use of the Property, the Defendants maintain their right to litigate any questions concerning title and/or the amount of just compensation to be paid at a later date.

SIGNED this 28th day of September, 2020.



Fernando Rodriguez, Jr.
United States District Judge